IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1892 /2001

M/s. Parekh Enterprises
Through its Proptietor,
Sattar Parekh, son of Daud Bhai
Resident of Keshkal,
District:Jagdalpur(Chhattisgarh) : PETITIONER

VERSUS

1) The State of Chhattisgarh
Through its Secretary,
Mineral Resources Department
Secretariate, D.K. Bhavan,
Raipur.

2) The Commissioner, Jagdalpur

3) The Collector, Kanker

4) The Tahsildar, Keshkal,
District-Bastar

5) The Officer in-Charge
M.P. State Mining Corporation
Sub Office, Keshkal,
District:Bastar. : RESPONDENTS

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 1892/2001 सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19/10/2001	

Shri R.S. Jaiswal, learned counsel for the petitioner.

Shri Rajeev Shrivastava, learned counsel for respondent No.1.

The writ petitioner is impugning an order of refusal to grant stay in an appeal which is pending before the commissioner at Jagdalpur vide appeal No.13/A-67/2000-2001. The petitioner has been directed to pay a sum of Rupees Ten Lacs as fine for allegedly carrying out illegal excavation of bauxite from Jagdalpur area.

Shri Rajeev Shrivastava, learned counsel for the respondent No.1, submits that since the matter is pending before the learned Commissioner, the petitioner should seek remedy there.

Shri R.S. Jaiswal, learned counsel for the petitioner submits that if that be so at least recovery of the fine of Rupees Ten Lacs should remain stayed before the matter is decided by the Commissioner. The order of refusal to grant stay was issued on 24/08/2001. Though no order of stay has been passed it is stated that no recovery has been made till date as contended by Shri Jaiswal.

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

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The next date fixed in the appeal before the Commissioner at Jagdalpur is 20th December, 2001. In my view, it is for the competent appellate authority to pass necessary interim or final orders in the matter. In fact interim relief has already been refused. What remains in the matter is to decide the merit of the appeal without further delay. I would, therefore, direct ~~that~~ the learned Commissioner to decide the matter on the next date fixed i.e. 20th December, 2001. For the ends of Justice, till the next date of hearing i.e. 20th December, 2001 no recovery be made. Let the impugned order fine of Rupees Ten Lacs remain stayed subject to furnishing bank security for Rupees Two Lacs within 15 days.

The petition is disposed of.

Sd/-
Chief Justice